SOCIAL WELFARE AND LABOUR DEPARTMENT

ORDER

Bangalore, dated 18th November 1974.

S. O. 2603.—WHEREAS before the Presiding Officer, Additional Industrial Tribunal, Bangalore, a complaint was made under Section 33-A of the Industrial Disputes Act 1947 (Central Act No. 14 of 1947), by Sri P. Seshagiri Rao, Booking Clerk c/o Mysore State Cinema Employees Association, 6, Andhra Devanga Buildings Gandhinagar, Bangalore-560009.

AND WHEREAS the said Tribunal adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 of read with Section 33-A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act 1947 (Central Act No. 14 of 1947) the Government of Karnataka hereby directs the publication of the said award in the *Karnataka Gazette.*

[No. SWL 234 LLA 74]

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
1472 *Social Welfare and Labour Department.*

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated 21st day of October, 1974.

Present:
Presiding Officer :—Shri. G. S. Bhagwat, B A., LL.B.,

Complaint No. 7/74 in A.I.D. No. 10/1972

Complainant:	*Opposite party:*
Sri P. Seshagiri Rao, Booking Clerk, C/o Mysore State	The Management of Kino Talkies, Seshadripuram, Bangalore-560020.

-Vs-

Cinema Employees' Association, 6, Andhra Devanga Buildings, Gandhinagar, Bangalore-560009.

Appearances :

For the Complainant : Sri C. S. N. Bhushnam, Secretary, Mysore State Cinema Employees' Association, Bangalore.

For the Opposite party : Sri V. L. Narasimha Murthy, Advocate, Bangalore.

AWARD

This is a comlaint filed under Section 33-A of the Industrial Disputes Act. by Sri P. Seshgiri Rao, Booking clerk, against the management of King Talkies Seshadripurm, Bangalore, for reinstatement to his original post with all back benefits and cost of this complaint.

2. The case of the complainant is that he was employed as a Booking clerk by the Opposite party management about 4 years ago. He continued to discharge his duties to the entire satisfaction of his superiors. He was paid Rs. 90 in all inclusive D A. He pressed the Opposite party to pay the wages as per Minimum Wages, which came into force on 14th November 1973 and refused to take his old salary of 9th July 1973. Thereupon the Opposite party theatre issued a notice of termination on 8th December 1973. He is covered by the demand and is a party to the pending dispute in A I.D. No. 10/72. He is also an active member of the Mysore State Cinema Employees Association and hence the Opposite party determined to get rid off him with ulterior motives. The opposite party did not conduct any enquiry but discharged him without complying with the principles of natural justice and provisions of Section 33 of the Industrial Disputes Act, and hence this complaint.

The Opposite party management filed its objection on 2nd March 1974. The contentions of the opposite party are these: The complainant was discharged from service

and it is a case of discharge simplicitor. The complainant committed a grave mis conduct involving dishonesty and hence the management lost confidence in him and discharged him from service. The management denied the other allegations made in the complaint and submitted that the complaint be dismissed.

4. From the above pleadings the following issues were set down on 27th April 1974 for adjudication.

1. whether the complainant proves that the Opposite party did not conduct any enquiry and discharged him without complying with the principles of natural justice and provisions of Section 33 of the Industril Disputes Act, 1947.
2. whether the complainant proves that the action taken by the management amounted to unfair labour practice and victimisation of the workmen ?
3. To what relief is complainant entitled to ?

5. This case had several adjournments and when it came up finally for hearing on 18th October 1974 the parties filed a joint memo of settlement and requested to pass an award in terms of the said settlement. The terms of the settlement were read over to the parties and they admitted them to be correct. The complainant has agreed to accept Rs. 1,500 from the opposite party theatre in two instalments within a month from 18th October 1974 in full and final settlement of all his claims.

In the result the memo of settlement was accepted and an Award is given in terms of the memo of settlement as per Annexure which shall from the part of this Award.

No Ord r as to costs.

C. S. BHAGWAT,
Presiding Officer,
Additional Industrial Tribunal
Bangalore.